

108TH CONGRESS
1ST SESSION

H. R. 1362

To provide enhanced Federal enforcement and assistance in preventing and prosecuting crimes of violence against children.

IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 2003

Ms. MILLENDER-MCDONALD introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Education and the Workforce and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide enhanced Federal enforcement and assistance in preventing and prosecuting crimes of violence against children.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Violence Against Chil-
5 dren Act of 2003”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) People under the age of 18 make up ap-
2 proximately 12 percent of all crime victims known to
3 police, including 71 percent of all sex crime victims
4 and 38 percent of all kidnaping victims.

5 (2) People from the ages of 12 through 17 are
6 over 2 times more likely to be victims of violent
7 crime than adults.

8 (3) It has been estimated that only 28 percent
9 of crimes against children are actually reported.

10 (4) Some 1,200 children die as a result of
11 abuse each year, and approximately 879,000 chil-
12 dren are victims of abuse.

13 (5) Child abuse has long-lasting negative effects
14 upon children and families, including delayed devel-
15 opment, depression, substance abuse, and increased
16 likelihood of experiencing or perpetrating domestic
17 violence as an adult.

18 (6) Most local agencies lack adequate resources
19 to protect and serve the needs of children and fami-
20 lies that are brought to their attention.

21 (7) Failure to pay child support is in itself a
22 form of neglect, as children who do not receive fi-
23 nancial support are more likely to live in poverty,
24 and are therefore more likely to suffer from inad-

1 equate education, a lack of quality health care, and
2 a lack of affordable housing.

3 **TITLE I—ENHANCED FEDERAL**
4 **ROLE IN CRIMES AGAINST**
5 **CHILDREN**

6 **SEC. 101. ENHANCED PENALTIES.**

7 (a) IN GENERAL.—Chapter 110 of title 18, United
8 States Code, is amended by inserting at the end the fol-
9 lowing:

10 **“§ 2260A. Violence against children**

11 “(a) IN GENERAL.—Whoever, whether or not acting
12 under color of law, in any circumstance described in sub-
13 section (b), by force or threat of force willfully injures or
14 attempts to injure any person under 18 years of age—

15 “(1) shall be imprisoned for not more than 10
16 years and fined in accordance with this title; and

17 “(2) shall be imprisoned for any term of years
18 or for life, and fined in accordance with this title
19 if—

20 “(A) death results from the offense; or

21 “(B) the offense includes kidnaping or an
22 attempt to kidnap, aggravated sexual abuse or
23 an attempt to commit aggravated sexual abuse,
24 or an attempt to kill.

1 “(b) CIRCUMSTANCES.—For purposes of subsection
 2 (a), the circumstances described in this subsection are
 3 that—

4 “(1) the conduct described in subsection (a) oc-
 5 curs during the course of, or as the result of, the
 6 travel of the defendant or the victim—

7 “(A) across a State line or national border;
 8 or

9 “(B) using a channel, facility, or instru-
 10 mentality of interstate or foreign commerce; or

11 “(2) in connection with the conduct described in
 12 subsection (a), the defendant employs a firearm, ex-
 13 plosive or incendiary device, or other weapon that
 14 has traveled in interstate or foreign commerce.”.

15 (b) AMENDMENT TO CHAPTER ANALYSIS.—The
 16 chapter analysis for chapter 110 of title 18, United States
 17 Code, is amended by inserting at the end the following:

“2260A. Violence against children.”.

18 (c) ENHANCED PENALTIES FOR EXISTING CRIMES
 19 WHEN COMMITTED AGAINST CHILDREN.—Pursuant to
 20 its authority under section 994(p) of title 28, United
 21 States Code, and in accordance with this Act and its pur-
 22 poses, the United States Sentencing Commission shall re-
 23 view and amend its guidelines and its policy statements
 24 to provide enhanced penalties when the victim of a Federal
 25 crime is under the age of 18.

1 (d) GAO REVIEW OF STATE LAWS.—Not later than
2 6 months after the date of enactment of this Act, the
3 Comptroller General of the United States shall—

4 (1) review the statutory penalties for crimes
5 against children under State laws and the sentencing
6 practices of the States with respect to those crimes,
7 including whether a State provides enhanced pen-
8 alties when the victim of the crime is a child; and

9 (2) report the findings of the review to Con-
10 gress.

11 **SEC. 102. ENHANCED ASSISTANCE FOR CRIMINAL INVES-**
12 **TIGATIONS AND PROSECUTIONS BY STATE**
13 **AND LOCAL LAW ENFORCEMENT OFFICIALS.**

14 (a) IN GENERAL.—At the request of a State, Indian
15 tribal government, or unit of local government, the Attor-
16 ney General shall provide technical, forensic, prosecutorial,
17 or any other form of assistance in the criminal investiga-
18 tion or prosecution of any crime that—

19 (1) constitutes a crime of violence (as defined
20 in section 16 of title 18, United States Code);

21 (2) constitutes a felony under the laws of the
22 State or Indian tribe; and

23 (3) is committed against a person under 18
24 years of age.

1 (b) PRIORITY.—If the Attorney General determines
2 that there are insufficient resources to fulfill requests
3 made pursuant to subsection (a), the Attorney General
4 shall give priority to requests for assistance to—

5 (1) crimes committed by, or believed to be com-
6 mitted by, offenders who have committed crimes in
7 more than 1 State; and

8 (2) rural jurisdictions that have difficulty cov-
9 ering the extraordinary expenses relating to the in-
10 vestigation or prosecution of the crime.

11 **TITLE II—GRANT PROGRAMS**

12 **SEC. 201. FEDERAL ASSISTANCE TO STATE AND LOCAL LAW** 13 **ENFORCEMENT.**

14 (a) IN GENERAL.—The Attorney General shall award
15 grants to assist States, Indian tribal governments, and
16 units of local government to develop and strengthen effec-
17 tive law enforcement and prosecution of crimes against
18 children.

19 (b) PURPOSES.—Grants provided under this section
20 shall provide personnel, training, technical assistance,
21 data collection, and other equipment for the more wide-
22 spread apprehension, prosecution, and adjudication of per-
23 sons committing crimes against children, and specifically,
24 for the purposes of—

1 (1) training law enforcement officers, prosecu-
2 tors, judges, and other court personnel to more ef-
3 fectively identify and respond to crimes against chil-
4 dren;

5 (2) developing, training, or expanding units of
6 law enforcement officers, prosecutors, or courts spe-
7 cifically targeting crimes against children;

8 (3) developing and implementing more effective
9 police and prosecution policies, protocols, orders, and
10 services specifically devoted to preventing, identi-
11 fying, and responding to crimes against children;

12 (4) developing, installing, or expanding data
13 collection and communication systems, including
14 computerized systems, linking police, prosecutors,
15 and courts for the purpose of identifying and track-
16 ing arrests, prosecutions, and convictions for crimes
17 against children;

18 (5) encouraging, developing, and strengthening
19 programs, procedures, and policies that enhance
20 cross-collaboration and cross-communication between
21 law enforcement and child services agencies regard-
22 ing the care, treatment, and services for child vic-
23 tims; and

(6) developing, enlarging, or strengthening programs addressing the needs and circumstances of Indian tribes in dealing with crimes against children.

(c) APPLICATION.—

(1) IN GENERAL.—Each State, Indian tribal government, or unit of local government that desires a grant under this section shall submit an application to the Attorney General at such time, in such manner, and accompanied by or containing such information as the Attorney General shall reasonably require.

(2) REQUIREMENTS.—A State, Indian tribal government, or unit of local government applying for a grant under this section shall—

(A) describe—

(i) the purposes for which the grant is needed;

(ii) the intended use of the grant funds; and

(iii) the expected results from the use of grant funds;

(B) demonstrate that, in developing a plan to implement the grant, the State, Indian tribal government, or unit of local government has consulted and coordinated with nonprofit, non-

1 governmental victim services programs that
2 have experience in providing services to victims
3 of crimes against children; and

4 (C) certify that—

5 (i) any Federal funds received under
6 this section will be used to supplement, not
7 supplant, non-Federal funds that would
8 otherwise be available for activities funded
9 under this section; and

10 (ii) the State, the Indian tribal gov-
11 ernment, or the State in which the unit of
12 local government is located is in compli-
13 ance with sections 301 and 302.

14 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
15 authorized to be appropriated to carry out this section
16 \$25,000,000 for each of the fiscal years 2004 through
17 2008.

18 **SEC. 202. EDUCATION, PREVENTION, AND VICTIMS' ASSIST-**
19 **ANCE GRANTS.**

20 (a) IN GENERAL.—The Attorney General shall award
21 grants to assist States, Indian tribal governments, units
22 of local government, and nongovernmental organizations
23 to provide education, prevention, intervention, and victims'
24 assistance services regarding crimes against children.

1 (b) PURPOSES.—Grants provided under this section
2 shall be used to provide education, prevention, and inter-
3 vention services to prevent crimes against children and to
4 provide assistance to children, and the families of children,
5 who are victims of crime, including—

6 (1) educational seminars;

7 (2) the operation of hotlines;

8 (3) training programs for professionals;

9 (4) the preparation of informational materials;

10 (5) intervention services to prevent crimes
11 against children;

12 (6) other efforts to increase awareness of the
13 facts about, or to help prevent, crimes against chil-
14 dren, including efforts to increase awareness in un-
15 derserved racial, ethnic, and language minority com-
16 munities;

17 (7) emergency medical treatment for victims;

18 (8) counseling to victims of crimes against chil-
19 dren and their families; and

20 (9) increasing the supply of mental health pro-
21 fessionals specializing in the mental health of victims
22 of crimes against children.

23 (c) APPLICATION.—

24 (1) IN GENERAL.—Each State, Indian tribal
25 government, unit of local government, or nongovern-

1 mental organization that desires a grant under this
2 section shall submit an application to the Attorney
3 General at such time, in such manner, and accom-
4 panied by or containing such information as the At-
5 torney General shall reasonably require.

6 (2) REQUIREMENTS.—A State, Indian tribal
7 government, unit of local government, or nongovern-
8 mental organization applying for a grant under this
9 section shall—

10 (A) describe—

11 (i) the purposes for which the grant is
12 needed;

13 (ii) the intended use of the grant
14 funds; and

15 (iii) the expected results from the use
16 of grant funds;

17 (B) demonstrate that, in developing a plan
18 to implement the grant—

19 (i) in the case of a State, Indian tribal
20 government, or unit of local government,
21 that the State, Indian tribal government,
22 or unit of local government has consulted
23 and coordinated with nonprofit, nongovern-
24 mental victim services programs that have

1 experience in providing services to victims
2 of crimes against children; and

3 (ii) in the case of a nongovernmental
4 organization, that the nongovernmental or-
5 ganization has experience in providing edu-
6 cation, prevention, or intervention services
7 regarding crimes against children or has
8 experience in providing services to victims
9 of crimes against children; and

10 (C) certify that—

11 (i) any Federal funds received under
12 this section will be used to supplement, not
13 supplant, non-Federal funds that would
14 otherwise be available for activities funded
15 under this section, provided that the Attor-
16 ney General may waive such requirement
17 for nongovernmental organizations in ex-
18 traordinary circumstances; and

19 (ii) the State, the Indian tribal gov-
20 ernment, the State in which the unit of
21 local government is located, or the State in
22 which the nongovernmental organization
23 will operate the activities funded under this
24 section is located, is in compliance with
25 section 303.

1 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to carry out this section
3 \$25,000,000 for each of the fiscal years 2004 through
4 2008.

5 **SEC. 203. REAUTHORIZATION OF CHILD ADVOCACY CEN-**
6 **TERS.**

7 The Victims of Child Abuse Act of 1990 (42 U.S.C.
8 13001 et seq.) is amended—

9 (1) in section 211 (42 U.S.C. 13001) by—

10 (A) redesignating paragraphs (6) and (7)
11 as paragraphs (9) and (10), respectively; and

12 (B) inserting after paragraph (5) the fol-
13 lowing:

14 “(6)(A) the National Children’s Alliance (NCA)
15 is a nationwide not-for-profit membership organiza-
16 tion whose members are local Children’s Advocacy
17 Centers;

18 “(B) the NCA’s mission is to assist commu-
19 nities seeking to improve their response to child
20 abuse by supporting the development, growth, and
21 continuation of Children’s Advocacy Centers (CACs);
22 and

23 “(C) the NCA provides training, technical as-
24 sistance, and networking opportunities to CACs na-
25 tionally;

1 “(7)(A) CACs are community partnerships
2 committed to a multidisciplinary team approach by
3 professionals pursuing the truth in child abuse inves-
4 tigation; and

5 “(B) CACs are based in child-friendly facilities
6 that enable law enforcement, prosecutors, child pro-
7 tective services, and the medical and mental health
8 communities to work as a team to investigate, pros-
9 ecute, and treat child abuse;

10 “(8)(A) working in partnership with the Na-
11 tional Children’s Alliance, Regional Children’s Advo-
12 cacy Centers were established by the Office of Juve-
13 nile Justice and Delinquency Prevention to provide
14 outreach and assistance to communities seeking to
15 develop a Children’s Advocacy Center; and

16 “(B) Regional Children’s Advocacy Centers pro-
17 vide information, consultation, training, and tech-
18 nical assistance helping to establish child-focused
19 programs that facilitate and support coordination
20 among agencies responding to child abuse. Regional
21 Children’s Advocacy Centers also provide regional
22 services to help Children’s Advocacy Centers already
23 in existence;”;

24 (2) in section 212 (42 U.S.C. 13001a)—

25 (A) by striking paragraphs (3) and (6);

1 (B) redesignating paragraphs (4) and (5)
2 as paragraphs (3) and (4), respectively; and

3 (C) redesignating paragraphs (7), (8), and
4 (9) as paragraphs (5), (6), and (7), respec-
5 tively;

6 (3) in section 213 (42 U.S.C. 13001b)—

7 (A) by striking the caption for the section
8 and inserting “**CHILDREN’S ADVOCACY CEN-**
9 **TERS**”; and

10 (B) in subsection (a), by striking beginning
11 with “the Administrator” through paragraph
12 (1) and inserting the following: “The Adminis-
13 trator of the Office of Juvenile Justice and De-
14 linquency Prevention shall establish Regional
15 Children’s Advocacy Centers to—

16 “(1) focus attention on child victims by assist-
17 ing communities to develop and maintain local Chil-
18 dren’s Advocacy Centers which are child-focused
19 community-oriented facility based programs designed
20 to improve the resources available to children and
21 families affected by child abuse and neglect;”;

22 (C) in subsection (b)(1), by striking “, in
23 coordination with the Director;”;

24 (D) in subsection (c)—

1 (i) in paragraph (1), by striking the
2 text and inserting “The Administrator, in
3 consultation with the National Children’s
4 Alliance, shall solicit proposals for assist-
5 ance under this section when existing con-
6 tracts with Regional Children’s Advocacy
7 Centers are close to expiration.”; and

8 (ii) in paragraph (4)(B), by striking
9 the matter before clause (i) and inserting
10 the following: “The Administrator shall se-
11 lect proposals for funding that—”;

12 (E) in subsection (d)—

13 (i) in paragraph (1), by striking “, in
14 coordination with the Director,”; and

15 (ii) in paragraph (2), by striking “and
16 the Director”; and

17 (F) by striking subsection (e);

18 (4) in section 214 (42 U.S.C. 13002)—

19 (A) by amending subsection (a) to read as
20 follows:

21 “(a) IN GENERAL.—The Administrator, in consulta-
22 tion with the officials from the Office of Victims of Crime,
23 shall make grants to develop and implement local multi-
24 disciplinary child abuse investigations and prosecution

1 programs. The National Children’s Alliance shall serve as
 2 the subgrantor of these funds.”; and

3 (B) in subsection (b)(1), by striking “, in
 4 coordination with the Director,”; and
 5 (5) in section 214B (42 U.S.C. 13004)—

6 (A) in subsection (a), by striking para-
 7 graph (2) and inserting the following:

8 “(2) \$10,000,000 for each of the fiscal years
 9 2004 through 2008.”; and

10 (B) in subsection (b)(2), by inserting be-
 11 fore the period the following: “and each of the
 12 fiscal years 2004 through 2008”.

13 **TITLE III—NATIONWIDE** 14 **PROGRAMS**

15 **SEC. 301. NATIONWIDE AMBER ALERT.**

16 Not later than 3 years after the date of enactment
 17 of this Act, each State receiving grants pursuant to section
 18 201 shall have in place a statewide AMBER Alert commu-
 19 nications network for child abduction cases.

20 **SEC. 302. IMPROVED STATISTICAL GATHERING.**

21 Each State receiving grants pursuant to section 201
 22 shall use, or shall be in the process of testing or developing
 23 protocols to use, the National Incident-Based Reporting
 24 System.

1 **SEC. 303. NATIONAL SAFE HAVEN.**

2 (a) IN GENERAL.—Not later than 3 years after the
3 date of enactment of this Act, each State receiving grants
4 pursuant to section 202 shall have in effect a statute
5 that—

6 (1) permits a parent to leave a newborn baby
7 with a medically-trained employee of a hospital
8 emergency room anonymously without any criminal
9 or other penalty;

10 (2) includes a mechanism to encourage and per-
11 mit a hospital employee in the receiving hospital to
12 collect information about the medical history of the
13 family subject to the approval of the parent; and

14 (3) includes a plan for publicizing the State’s
15 Safe Haven law.

16 (b) EXCEPTION.—Notwithstanding subsection (a)(1),
17 a State statute in effect pursuant to this section may deny
18 a parent the ability to leave a newborn baby anonymously
19 without any criminal or other penalty if the newborn baby
20 shows signs of abuse or appears to have been intentionally
21 harmed.

22 **SEC. 304. IMPROVED CHILD PROTECTION SERVICES PRO-**
23 **GRAMS.**

24 (a) REPORT BY STATES.—Not later than 180 days
25 after the date of enactment of this Act, each State receiv-
26 ing an allotment for child welfare services under subpart

1 1 of part B of title IV of the Social Security Act (42
2 U.S.C. 620 et seq.) shall submit to the Secretary of Health
3 and Human Services a report detailing the State's pro-
4 gram funded under that subpart, including the process for
5 maintaining records and verifying the well-being of the
6 children under the State's care.

7 (b) GAO STUDY.—Not later than 180 days after the
8 date of enactment of this Act, the General Accounting Of-
9 fice shall report to Congress on State practices and poli-
10 cies under the child welfare program funded under subpart
11 1 of part B of title IV of the Social Security Act (42
12 U.S.C. 620 et seq.). The report shall include the following:

13 (1) How States are maintaining records and
14 verifying the well-being of the children under their
15 care, including how well States are keeping track of
16 where those children are.

17 (2) Whether and how the review system being
18 undertaken by the Secretary of Health and Human
19 Services is helping States to reform their child wel-
20 fare system.

21 (3) The best practices being implemented by
22 the States.

23 (4) Recommendations for legislative changes by
24 Congress.

1 **TITLE IV—CHILD SUPPORT**
2 **ENFORCEMENT**

3 **SEC. 401. SENSE OF THE SENATE ON TAX TREATMENT OF**
4 **CHILD SUPPORT.**

5 It is the sense of the Senate that Congress should
6 pass legislation to extend the current Federal tax treat-
7 ment on bad debt to nonpayment of child support by—

8 (1) allowing those that do not receive the child
9 support they are owed to deduct that amount from
10 their Federal income taxes; and

11 (2) requiring those who fail to pay child sup-
12 port to add the unpaid amount to their income for
13 Federal tax purposes.

○